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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,693	09/30/2003	Sherman Lee	50915/SDB/B600	5114

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EXAMINER

NGUYEN, LEE

ART UNIT PAPER NUMBER

2618

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/674,693

Applicant(s)

LEE ET AL.

Examiner

LEE NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,14,15,17-21 and 28-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-8,14,15 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 28-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to the communication filed on 01/25/2006.

Claims 3, 9-13, 16, 22-27 were canceled. Claims 1-2, 4-8, 14-15, 17-21, 28-41 remain in prosecution.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 28-32, 34-39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banu et al. (US 5,757,872) in view of Roy et al. (US 6,266,385).

Regarding claims 28, 35, Banu teaches a receiver system and method 106 (fig. 1) comprising:

a receiver 106 adapted to receive a signal 107, generated in accordance with a transmit clock signal 208 (fig. 2), to provide a data signal 204, 212 (fig. 2); a first-in first-out memory 210 coupled to the receiver to receive and store the data signal; and a processing circuit (not show, col. 5, lines 1-12) coupled to the first-in first-out memory 210 to retrieve the stored data signal in accordance with a read signal 110 (figs. 1-2). Banu fails to teach the read signal is not synchronized to a clock signal derived from the transmit clock signal. Roy teaches a processing circuit 390 coupled to a FIFO memory 300 (fig. 4) to generate a read signal that is not synchronized to a clock signal derived from the transmit clock signal (col. 5, lines 46-65 and col. 7, lines 40-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Roy with Banu in order to transfer data with reliability.

Regarding claims 29, 36, the combination of Banu and Roy also teaches that the receiver recovers a clock signal 208 from received signal 204 (Banu, fig. 2, col. 2, lines 27-34) and that the read signal is not synchronized to the recovered clock signal (Roy, col. 6, lines 26-31 and col. 5, lines 55-62).

Regarding claims 30-31, 38-39, the combination of Banu and Roy also teaches that the

processing circuit comprises a data processor or a host computer (Banu, col. 5, lines 1-15).

Regarding claims 32, 37, the combination of Banu and Roy inherently teaches that the processing circuit is adapted to perform at least one of baseband processing, link management functions and protocol stack functions (see data stream 110 of Banu in figures 1-2).

Regarding claims 34, 41, the combination of Banu and Roy also teaches that the first-in first-out memory is sized in accordance with a variation between a rate at which first-in first-out memory is written and a rate at which the first-in first-out memory is read (Roy, col. 6, line 56 – col. 7, line 23)..

Claims 33, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banu in view of Roy as applied to claims 28, 35 above, and further in view of Alston (US 6,055,285).

Regarding claims 33, 40, the above combination fails to teach that processing circuit reads the data signal from the first-in first-out memory in bursts. Alston teaches that the processor reads the data from the FIFO memory in bursts (col. 6, lines 17-33). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide the teaching of Alston to the receiver of the above combination in order to enhance data transfer mode to the receiver.

***Allowable Subject Matter***

Claims 1-2, 4-8, 14-15, 17-21 are allowed.

Claims 1 and 14 are allowed according to the incorporation of claims 3 and 16, respectively.

***Response to Arguments***


Applicant's arguments with respect to claims 28-41 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LEE NGUYEN  
PRIMARY EXAMINER